IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPEALLATE JURISDICTION

FARAD CONTINUATION SHEET.

CIVIL APPLICATION NO.371 OF 2005

IN

SECOND APPEAL NO.804 OF 2004

Office Notes,Office Memorandum of Coram, appearances,Court's orders or directions & Registrar's orders	Court's or Judge's Orders

CORAM: A.S.OKA,J.
DATE : 8TH APRIL 2005.

P.C.

1. Rule. Heard Shri Keluskar, Advocate for Respondents waives service for the Respondents. My attention is invited to order dated 16th December 2003 which was passed by the Lower Appellate Court and which was operating till the disposal of the Appeal in the Lower Appellate Court. My attention has been also invited to the affidavit of the brother of

the Appellant dated 14th February 2005.

2. After having heard Counsel appearing for the parties, I am satisfied that Prayer (i) of this application deserves to be granted.

3. Hence, Civil Application is disposed of by passing the following order:-

(a) During the pendency of the Appeal, Respondents are restrained from disturbing the possession of the Appellant over the Suit land subject to condition that the Appellant will not pluck the fruits on the trees on the suit land without giving the advance notice to the Respondents.

(b) The Appellant is directed to maintain regular accounts of the

income earned from the sale of fruits. The statement of Account shall be filed in this Court on or before 31st January of every calender year alongwith an affidavit.

(c) In case, any breach is committed by the Applicant/Applicants, liberty to the Respondents to apply for variation of this order.

(d) No order as to costs. Parties to act on authenticated copy.

Judge.